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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,951	02/28/2002	Russell C. Brown	M-9511 US	1216
33438	7590	08/11/2005		
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			EXAMINER NGUYEN BA, HOANG VU A	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,951

Applicant(s)

BROWN ET AL.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed June 13, 2005.

Response to Amendments

2. Per Applicants' request, claims 1, 6, 7-11, 13-16 have been amended.
3. Claims 1-16 remain pending. Claims 1, 6, 7 and 12 are independent claims.
4. The objection to the specification is withdrawn in view of Applicants' amendments to the specification to show the U.S. Patent Application No. of the copending application.
5. The objection to Claims 1 and 13-16 is withdrawn in view of Applicants' amendments to these claims to correct the identified minor informalities.
6. The rejections of Claims 9 and 14 under 35 U.S.C. § 112, first and second paragraphs, are withdrawn in view of Applicants' amendments to these claims.
7. The rejection of Claims 1-11 under 35 U.S.C. § 101 is withdrawn in view of Applicants' amendments to these claims to direct the claimed invention to statutory subject matter.
8. The rejection of Claims 1+2, 6, 7+9, 12+13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1+3 of copending U.S. Patent Application No. 09/898,876 is withdrawn in view of Applicants' filing of a terminal disclaimer.

Response to Arguments

9. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive. The rejection of Claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by Crnogorac et al. ("Crnogorac") is thus maintained. Following is an examiner's response to Applicants' arguments.

Applicants essentially argue that Crnogorac does not teach or suggest a process for enabling multiple programmers to modify behavior of an object executing on a computer system concurrently much less the steps and features recited in the independent claims.

In response, the Examiner notes that a preamble is not a limitation if it merely states a purpose or intended use and the remainder of the claim completely defines the invention. Diversitech Corp. v. Century Steps, Inc., 7 USPQ2d 1315 (Fed. Cir. 1988). In the instant application, the clause “for enabling multiple programmers to modify behavior of an object executing on a computer system concurrently” recited after “[a] process” in the preamble of Claims 1 and 6 is thus not limiting because it merely states a purpose or intended use of the process and because the remainder of the claim completely defines the invention that Crnogorac appears to anticipate.

Furthermore, the Examiner does not agree with Applicant’s assertion that Crnogorac does not teach or suggest “for enabling multiple programmers to modify behavior of an object executing on a computer system concurrently.” The context of Crnogorac teachings is COOP, i.e., Concurrent Object-Oriented Programming, which is object-oriented programming (OOP) applied in a concurrent setting. As is well known in the art of OOP, one of the reasons for a concurrent setting is to allow instances of an object to exist concurrently (see Crnogorac, section 1, line 3-7) so that modifications by an executing program or by different users to the object could be made independently. Therefore, the limitation “for enabling multiple programmers to modify behavior of an object executing on a computer system concurrently” added to the independent claims is deemed not sufficient to distinguish the claims over Crnogorac teachings since Crnogorac appears to suggest the concurrent use of an object for OOP purposes.

In view of the foregoing discussion, the rejection of Claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by Crnogorac is maintained and repeated hereinafter for Applicants' convenience.

Claim Rejections – 35 U.S.C. § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Crnogorac et al. ("Crnogorac"), Classifying Inheritance Mechanisms in Concurrent Object-oriented Programming.

Claims 1 and 6

Crnogorac discloses at least *a process for enabling multiple programmers to modify behavior of an object executing on a computer system concurrently* (see at least section 1), *the process comprising:*

identifying a first method and a second method to be performed on an object, wherein the object corresponds to an instantiation of a class (see at least section 5; e.g., "... each method is separated into a *guard* part, and a *functionality* part...");

developing the first method in a first application having a first subclass of the class, wherein a first application-specific object is an instantiation of the first subclass (see at least section 5; e.g., the *guard* part); and

concurrently developing the second method in a second application having a second subclass of the class, wherein a second application-specific object is an instantiation of the second subclass (see at least section 5, the functionality part).

Claim 6

Since claim 6 recites similar features of claim 1, the same rejection is thus applied.

Claim 7

Since claim 7 recites a system comprising software entities that perform the same method steps of claim 1 or 6, the same rejection is thus applied.

Claim 12

Since claim 12 recites a computer program product comprising programming instructions stored on a computer-readable medium, programming instructions that perform the same method steps of claim 1 or 6, the same rejection is thus applied.

Claims 2, 8 and 13

Rejections of base claims 1, 7 and 12, respectively are incorporated. Crnogorac further discloses *invoking the first method, wherein the invoking performs the first method on the first application-specific object such that the object communicates as if the first method were performed on the object* (see at least section 5).

Claims 3, 9 and 14

Rejections of base claims 1, 7 and 12, respectively are incorporated. Crnogorac further discloses *invoking the second method, wherein the invoking performs the second method on*

the second application-specific object such that the object communicates as if the second method were performed on the object (see at least section 5).

Claims 4, 10 and 15

Rejections of base claims 1, 7 and 12, respectively are incorporated. Crnogorac further discloses *modifying the first method, wherein the modifying does not affect the second method* (see at least section 5).

Claims 5, 11 and 16

Rejections of base claims 1, 7 and 12, respectively are incorporated. Crnogorac further discloses *modifying the second method, wherein the modifying does not affect the first method* (see at least section 5).

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 to 17:15.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Art Unit 2192

August 9, 2005